

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Lynn B. Lunsford et al. Art Unit : 1633
Serial No. : 09/909,460 Examiner : Maria Marvich
Filed : July 18, 2001 Conf. No. : 1198
Title : MICROPARTICLES FOR DELIVERY OF NUCLEIC ACID

Mail Stop Amendment

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

In the Notice of Non-Compliant Amendment mailed June 9, 2008 (copy enclosed), applicants' Amendment in Reply to Office Action filed on May 15, 2008 was deemed incomplete because it was inadvertently unsigned. Enclosed with this response is a copy of the Amendment in Reply to Office Action as filed on May 15, 2008 with the undersigned's signature included. The enclosed Amendment in Reply to Office Action is identical to that which was filed on May 15, 2008.

It is applicants' understanding that no fee is due with the present response. However, if any fee is due, please charge the required fee to Deposit Account No. 06-1050, referencing Attorney Docket No. 08191-014002.

Respectfully submitted,

Date: July 7, 2008


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CERTIFICATE OF MAILING BY EFS-WEB FILING

I hereby certify that this paper was filed with the Patent and Trademark Office using the EFS-WEB system on this date: July 7, 2008



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26161 e 06/09/2008

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Paper No.

Application No.:	09/909,460	Date Mailed:	06/09/2008
First Named Inventor:	Lunsford, Lynn, B.	Examiner:	MARVICH, MARIA
Attorney Docket No.:	08191-014002	Art Unit:	1633
Confirmation No.:	1198	Filing Date:	07/18/2001

Please find attached an Office communication concerning this application or proceeding.

Commissioner for Patents

**Notice of Non-Compliant Amendment
(37 CFR 1.121)**

Application No.
09/909,460

Applicant(s)
LUNSFORD ET AL.

Art Unit
1600

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

The amendment document filed on 15 May, 2008 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- 1. Amendments to the specification:
 - A. Amended paragraph(s) do not include markings.
 - B. New paragraph(s) should not be underlined.
 - C. Other _____.
- 2. Abstract:
 - A. Not presented on a separate sheet. 37 CFR 1.72.
 - B. Other _____.
- 3. Amendments to the drawings:
 - A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - C. Other _____.
- 4. Amendments to the claims:
 - A. A complete listing of all of the claims is not present.
 - B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - D. The claims of this amendment paper have not been presented in ascending numerical order.
 - E. Other: _____.
- 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4): For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance, or a drawing submission (only) if applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action. If any of above boxes 1 to 4 are checked, the correction required is only the corrected section of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) **only** if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Legal Instruments Examiner (LIE), if applicable /FLORENCE R. PATTERSON/

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